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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 SALVADOR GARCIA,

7 Plaintiff,

8 v.

9 STATE OF NEVADA, et al.,

10 Defendants.
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Case No. 2:19-cv-00825-APG-CWH

ORDER

12 Presently before the court is defendants James Greg Cox, Nevada Department of
13 Corrections, Nevada Department of Public Safety, Nevada Parole Board, and the State of
14 Nevada's status report (ECF No. 7), filed on June 12, 2019. Defendants request that the court
15 screen plaintiff's complaint under 28 U.S.C. § 1915A(a) and that the court should determine
16 whether the case should be referred to the Inmate Early Mediation Program.

17 Under 28 U.S.C. § 1915A, the court must identify any cognizable claims and dismiss any
18 claims that are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek
19 monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915A(b)(1),
20 (2). In doing so, the court applies the same the standard for failure to state a claim under Federal
21 Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). The
22 purpose of § 1915A is to prevent defendants from having to respond to frivolous or malicious
23 lawsuits and to conserve judicial resources by dismissing these types of cases at an early stage.
24 *See Nordstrom v. Ryan*, 762 F.3d 903, 907 n.1 (9th Cir. 2014) (stating that the "purpose of
25 § 1915A is to ensure that the targets of frivolous or malicious suits need not bear the expense of
26 responding" (quotation omitted)); *O'Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008)
27 (explaining that the PLRA's screening provision was intended to "conserve judicial resources by
28 authorizing district courts to dismiss nonmeritorious prisoner complaints at an early stage").

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2 Given that a PLRA screening aims to conserve judicial resources, the court declines to
3 screen the complaint because defendants have filed a motion to dismiss that utilizes the same
4 12(b)(6) standard the court would employ in screening the complaint. (*See* Mot. to Dismiss (ECF
5 No. 3).) Further, the court denies the request that the case be referred to the Inmate Early
6 Mediation Program, as the facts at issue are not suited for the program.

7 IT IS THEREFORE ORDERED that defendants' request is DENIED.

8 DATED: June 19, 2019

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11 C.W. HOFFMAN, JR.
12 UNITED STATES MAGISTRATE JUDGE
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